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15 UNITED STATES DISTRICT COURT
16 NORTHERN DISTRICT OF CALIFORNIA
17

18 JUVENAL ROBLES and ABEL FIGUEROA,
individually and on behalf of a class of
19 similarly situated individuals,

20 Plaintiffs,

21 v.

22 LUCKY BRAND DUNGAREES, INC., a
Delaware corporation, KIRSHENBAUM
23 BOND SENEAL & PARTNERS LLC f/k/a
KIRSHENBAUM BOND & PARTNERS
24 LLC, a Delaware limited liability company,
d/b/a Lime Public Relations + Promotion, and
25 KIRSHENBAUM BOND & PARTNERS
26 WEST LLC, a Delaware limited liability
company,
27

28 Defendants.

Case No. 10-cv-04846 MMC

**JOINT REPORT ON STATUS OF
SETTLEMENT; STIPULATION AND
~~PROPOSED~~ ORDER CONTINUING
STAY OF LITIGATION PENDING
CLASS ACTION SETTLEMENT**

The Honorable Maxine M. Chesney

1 KIRSHENBAUM BOND SENECA &
2 PARTNERS LLC f/k/a KIRSHENBAUM
3 BOND & PARTNERS LLC, a Delaware
4 limited liability company, d/b/a Lime Public
5 Relations + Promotion, and KIRSHENBAUM
6 BOND & PARTNERS WEST LLC, a
7 Delaware limited liability company,

8 Third-Party Plaintiffs.

9 v.

10 MERKLE INC., a Maryland Corporation,

11 Third-Party Defendant and
12 Fourth-Party Plaintiff.

13 v.

14 RGAR HOLDINGS, LLC, a Florida limited
15 liability company, formerly known as TAKE 5
16 SOLUTIONS, LLC., a Florida limited liability
17 company.

18 Fourth-Party Defendants.

1 Plaintiffs Juvenal Robles and Abel Figueroa (together, “Plaintiffs”), Defendant Lucky Brand
 2 Dungarees, Inc. (“Lucky”), Defendants Kirshenbaum Bond Senecal & Partners LLC, f/k/a
 3 Kirshenbaum Bond & Partners LLC, d/b/a Lime Public Relations + Promotion and Kirshenbaum
 4 Bond & Partners West LLC (together, “Lime”), Third-Party Defendant Merkle Inc. (“Merkle”), and
 5 Fourth-Party Defendant RGAR Holdings, LLC f/k/a Take 5 Solutions, LLC (“Take 5”)
 6 (collectively, the “Parties”), by and through their counsel, submit the following Joint Statement on
 7 the Status of Settlement, and Stipulation to Continue the Stay of Proceedings for an additional two
 8 weeks:

9 1. On May 25, 2012, the Parties submitted a Joint Stipulation announcing that they had
 10 reached an agreement as to the material terms of a class action settlement and requested that the
 11 Court stay all pending motion and discovery deadlines. (Dkt. 85.)

12 2. On May 30, 2012, the Court granted the Stipulation and further instructed the Parties
 13 to file a Joint Status Report on the status of the settlement or a motion for preliminary approval on
 14 or before July 13, 2012. (Dkt. 86.)

15 3. On July 13 2012, the Parties applied for an extension of the stay to allow additional
 16 time to complete the necessary settlement documents. (Dkt. 87.) The Court granted a thirty-five
 17 (35) day extension of the stay on July 18, 2012 and instructed the Parties to file a Joint Status
 18 Report on or before August 22, 2012. (Dkt. 88.)

19 4. As has been previously reported to the Court, the Parties were able to reach
 20 agreement only after engaging in two settlement conferences with Magistrate Judge Howard Lloyd
 21 and a one-day private mediation with the late Judge Politan. After Judge Politan unexpectedly
 22 passed away with his mediator’s proposal pending (which was not ultimately accepted in full by all
 23 the Parties) the Parties engaged in settlement discussions amongst themselves and were able to
 24 reach an agreement as to all material terms of a class action settlement of this matter.

25 5. After reaching the agreement, Plaintiffs’ counsel prepared and circulated a draft class
 26 action settlement agreement as well as draft notices announcing the proposed settlement and
 27 advising proposed members of the class of their rights. Counsel for each of the Defendants, as well
 28

1 as insurers, and representatives of the Defendants have reviewed and edited several drafts of the
2 settlement agreement and notices.

3 6. In addition to preparing and finalizing the required settlement documents, the Parties
4 solicited proposals from four professional class action administrators for settlement administration
5 as well as a notice plan that provides the best notice practicable under the circumstances in
6 satisfaction of Rule 23 and due process. The Parties have selected the class action administrator and
7 expect to receive this week a finalized version of the administration and notice plan for final
8 approval from all Parties and insurers.

9 7. The Parties have been diligently working to finalize the papers setting forth the
10 settlement of this class action and they are substantially completed. The Parties, however, require
11 an additional two weeks to complete the settlement papers. The Parties anticipate moving for
12 Preliminary Approval on or before September 7, 2012. Based on that filing date, the Parties are
13 looking at a hearing for preliminary approval, to the extent the Court requires one, on either
14 October 19 or 26, 2012 at 9:00 AM.

15 8. The Parties therefore stipulate to extending the stay on all pending motion and
16 discovery deadlines in this case to and including September 7, 2012 to allow them time to finish
17 memorializing the settlement terms and finalizing the notice plan.

18 **IT IS SO JOINTLY REPORTED AND STIPULATED.**

19 Dated: August 22, 2012

20 SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

21
22 By /s/ Brian R. Blackman
23 CRAIG CARDON
24 BRIAN R. BLACKMAN
25 Attorneys for
26 Defendant LUCKY BRAND DUNGAREES, INC.
27
28

1 Dated: August 22, 2012

2 EDELSON MCGUIRE LLC

3
4 By /s/ Ryan D. Andrews
5 RYAN D. ANDREWS
6 SEAN REIS
7 Attorneys for
8 Plaintiffs JUVENAL ROBLES and ABEL FIGUEROA

9 Dated: August 22, 2012

10 WILSON ELSEER MOSKOWITZ EDELMAN & DICKER LLP

11 By /s/ Sara J. Savage
12 DAVID SHEIFFER
13 SARA J. SAVAGE
14 Attorneys for
15 Defendants KIRSHENBAUM BOND SENECA &
16 PARTNERS LLC and KIRSHENBAUM BOND &
17 PARTNERS WEST LLC

18 Dated: August 22, 2012

19 LATHAM & WATKINS LLP

20 By /s/ Peter Winik
21 PETER WINIK
22 MATTHEW RAWLINSON
23 SARAH GRAGERT
24 Attorneys for
25 Third-Party Defendant MERKLE, INC.

26 Dated: August 22, 2012

27 MCDERMOTT WILL & EMERY LLP
28 Attorneys for RGAR Holdings, LLC

By /s/ Peter J. Drobac
Daniel E. Alberti
Peter J. Drobac

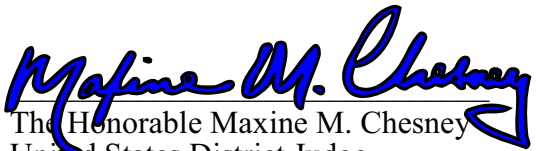
ORDER

Having considered the Parties' Joint Report on the Status of Settlement and Stipulation and good cause appearing, this litigation, including amended pleading deadlines, motion deadlines, and all discovery obligations, shall be stayed to and including September 7, 2012.

The parties are directed to file, no later than September 7, 2012, a Joint Status Report, said deadline to stand vacated without further order of the Court in the event plaintiffs have filed, on or before September 7, 2012, a motion for preliminary approval of the settlement.

IT IS SO ORDERED.

Dated: August 23, 2012


The Honorable Maxine M. Chesney
United States District Judge